HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No. 27291 of 2006

Dated 9th July 2007

Between:

G.Jyothi,
Nandivargam village,
Banganaplli Mandal,
Kurnool District.

……Petitioner.

and

The Joint Collector,
Kurnool, Kurnool District and others.

……..Respondents.

HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No. 27291 of 2006

ORDER:

The petitioner is an authorized dealer of Fair Price Shop in Nandivaram village, Banganpalli Mandal, Kurnool District.

Her authorization was cancelled vide proceedings of the 2nd respondent-Revenue Divisional Officer, Nandyal dated 1.12.2006, which is under challenge in this Writ Petition.

A perusal of the impugned order itself shows that the petitioner was issued a show cause notice dated 2.9.2006, to which the petitioner submitted her explanation on 11.9.2006. After that an enquiry was conducted, and having found that seven quintals of rice of mid day meals released in the month of March, 2005 was misappropriated by the petitioner, the 2nd respondent

passed the impugned order canceling the authorization of the petitioner.

I have heard the learned counsel for both the parties and perused the material on record.

Whereas, the learned counsel for the petitioner contended that the finding recorded by the 2nd respondent is without any basis and unsustainable, the learned Government Pleader at the out set raised an objection as to the maintainability of the Writ Petition on the ground that against the impugned order, an alternative remedy of appeal is available before the 1st respondent.

In the light of the alternative remedy of appeal available under the statute, I find force in the contention of the learned Government Pleader that the petitioner cannot straight away approach this Court under Article 226 of the Constitution of India, without exhausting the alternative remedy.

Accordingly, the Writ Petition is disposed of granting leave and liberty to the petitioner to workout the alterative remedy of appeal. However, having regard to the fact that this Court while directing Rule Nisi, suspended the

impugned order of cancellation, there shall be a direction that the impugned order shall not be given effect to for a period of two weeks from today. No costs.

_____

(G.ROHINI, J)

Dated: 9th July 2007

Note:- Issue CC in Two days.

(B/O)

mrb